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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/508,496	03/08/2000	MASAAKI YAMAMOTO	9683/65	9755

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EXAMINER

CHENCINSKI, SIEGFRIED E

ART UNIT	PAPER NUMBER
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3628

DATE MAILED: 01/02/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

## Office Action Summary

Application No.

09/508,496

Applicant(s)

YAMAMOTO ET AL.

Examiner

Siegfried E Chencinski

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 08 March 2000.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-17 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-17 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on \_\_\_\_\_ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

### Priority under 35 U.S.C. §§ 119 and 120

- 13) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

### Attachment(s)

- ☒ Notice of References Cited (PTO-892)
- ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- ☒ Information Disclosure Statement(s) (PTO-1449) Paper No(s) 4 & 6.
- ☐ Interview Summary (PTO-413) Paper No(s). \_\_\_\_\_.
- ☐ Notice of Informal Patent Application (PTO-152)
- ☐ Other: \_\_\_\_\_.

## DETAILED ACTION

### *Objections*

#### **1. Minor Informalities**

The specifications and claims contain some minor identical grammatical errors.

a) The specifications contain the error on page 2, line 11, "method in an communication" and on page 3, line 5, "transmission method in an communication network".

b) In the claims, the errors are in claim 3, line 1 and claim 5, line 1. In all four cases the preposition "an" should be "a". Correction is required.

The examiner suggests that applicant run the specifications through a spell and grammar checker in order to identify and correct any additional grammatical and typographical errors.

### *Claim Rejections - 35 USC § 103*

**2.** The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

**3. Claims 1-6 and 11-13** are rejected under 35 U.S.C. 103(a) as being

unpatentable over Lazaridis (US Patent 6,463,464) in view of Rossmann (US Patent 6,430,409).

**Re. Claim 1 & 11,** Lazaridis discloses a push-type information transmission method and related device in a communication network including an information provider server device, a plurality of user terminals for receiving information provided by said server device, and a transfer device for routing information transmission between said server device and said user terminal; wherein said transfer device comprises:

- a step of receiving information mail supplied with a network address of a user terminal designated as a desired destination from said server device (Col. 3, line 9);
- a step of storing said information mail (Col. 3, lines 12-13); and

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- a step of transmitting the stored information mail in response to a request from said called user terminal (Col. 2, lines 54-58; Col. 3, lines 14-17).

Lazaridis does not explicitly disclose the step of calling the user terminal whose network address has been designated.

However, Rossmann discloses the step and related device of calling the user terminal whose network address has been designated (Col. 43, lines 17-23). Hence, it would have been obvious to an ordinary practitioner of the art at the time of the invention to make use of the teachings of Lazaridis and Rossmann to implement an efficient, automated, user controlled push type system of information mail to selectively provide information through a routing device to users according to users' predetermined menus and preapproval of each information transmission upon being notified through a call that the information transmission is available.

**Re. Claim 2**, Lazaridis discloses a push-type information transmission method as in claim 1, wherein said user terminal comprises a step of pre-accessing said server device and registering its own network address with said server device as a registration procedure for receiving an information transmission service offered by said server device, and said server device provides information to user terminals which have completed said registration (Col. 7, line 31 through Col. 8, line 2).

**Re. Claims 3 & 13**, Lazaridis discloses a push-type information transmission method and related device in a communication network (Col. 3, lines 31-33) including an information provider server device (Col. 2, line 62), a plurality of user terminals for receiving information provided by said server device (Col. 4, Lines 38-40), and a transfer device for routing information transmission between said server device and said user terminal (Col. 2, line 66 – Col. 3, line 3); wherein said transfer device comprises:

- a step of pre-storing information relating to user terminals which are to receive an information providing service offered by said server device (Col. 3, lines 12-13);
- a step of receiving information mail supplied from said server device (Col. 3, line 9);
- a step of storing said information mail (Col. 4, lines 36-38); and
- a step of transmitting the stored information mail in response to a request from the called user terminal (Col. 2, lines 54-58; Col. 3, lines 14-17).

Lazaridis does not overtly disclose a step of and device for calling a relevant user terminal based on the pre-stored information relating to user terminals which are to receive an information providing service.

However, Rossmann discloses a step of and device for calling a relevant user terminal based on the pre-stored information relating to user terminals which are to receive an information providing service (Col. 43, lines 17-23). Hence, it would have been obvious

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to an ordinary practitioner of the art at the time of the invention to make use of the teachings of Lazaridis and Rossmann to implement an efficient, automated, user controlled push type system of information mail to selectively provide information through a routing device to users according to users' predetermined menus and preapproval of each information transmission upon being notified through a call that the information transmission is available.

**Re. Claim 4**, Lazaridis discloses a push-type information transmission method as in claim 3, wherein said user terminal comprises a step of pre-accessing said server device and registering its own network address with said server device as a registration procedure for receiving an information transmission service offered by said server device, and due to this step, information relating to the user terminals which are to receive information providing services offered by said server device is pre-stored (Col. 3, lines 49-52; ).

**Re. Claim 5**, Lazaridis discloses a push-type information transmission method in a communication network including an information provider server device, a plurality of user terminals for receiving information provided by said server device, and a transfer device for routing information transmission between said server device and said user terminal; wherein said transfer device comprises:

- a step of storing user attribute data of each user and network addresses of the user terminals in correspondence (Col. 3, lines 42-45);
- a step of receiving information mail supplied from said server device together with attribute information of users designated as desired destinations (Col. 3, line 9);
- a step of storing said received information mail (Col. 4, lines 36-38);
- a step of comparing said stored user attribute data and the designated user attribute data, and specifying network addresses of user terminals corresponding to users having the designated attributes (Col. 3, line 42 – Col. 4, line 4); and
- a step of sending the stored information mail in response to a request from said called user terminals (Col. 2, lines 54-58; Col. 3, lines 14-17).

Lazaridis does not overtly disclose a step of calling the specified user terminals.

However, Rossmann discloses a step of calling the specified user terminals. (Col. 43, lines 17-23). Hence, it would have been obvious to an ordinary practitioner of the art at the time of the invention to make use of the teachings of Lazaridis and Rossmann to implement an efficient, automated, user controlled push type system of information mail to selectively provide information through a routing device to users according to users' predetermined menus and preapproval of each information transmission upon being notified through a call that the information transmission is available.

**Re. Claim 6**, Lazaridis discloses a push-type information transmission method as in claim 5, wherein said user terminal comprises a step of pre-accessing said server

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device and registering its own network address with said server device as a registration procedure for receiving an information transmission service offered by said server device (Col. 3, lines 49-52).

Lazardis does not overtly disclose a step where said transfer device calls user terminals which have completed said registration.

However, Rossmann discloses a step where said transfer device calls user terminals which have completed said registration. (Col. 43, lines 17-23) ????. Hence, it would have been obvious to an ordinary practitioner of the art at the time of the invention to make use of the teachings of Lazaridis and Rossmann to implement an efficient, automated, user controlled push type system of information mail to selectively provide information through a routing device to users according to users' predetermined menus and preapproval of each information transmission upon being notified through a call that the information transmission is available.

**Re. Claim 12**, Lazaridis discloses a transfer device for routing information transmissions between an information provider server device and a plurality of user terminals for receiving the information provided by said server device, comprising:

- memory for pre-recording information relating to a user terminal which is to receive an information providing service offered by said server device (col. 3, lines 12-13; Col. 4, lines 36-38);
- receiving means for receiving information mail supplied from said server device (Col. 3, line 49 – Col. 4, line 4);
- storage means for storing the received information mail (Col. 3, lines 12-13; Col. 4, lines 36-38); and
- sending means for sending said stored information mail in response to requests from said called user terminal (Col. 2, lines 53-58; Col. 3, lines 14-17).

Lazaridis does not disclose a calling device for calling relevant user terminals based on information relating to the pre-recorded user terminal which is to receive an information providing service.

However, Rossmann discloses a device where said transfer device calls user terminals which have completed said registration. (Col. 6, lines 16-27, 44-48; Col. 12, lines 10-17; Col. 43, lines 17-23. Hence, it would have been obvious to an ordinary practitioner of the art at the time of the invention to make use of the teachings of Lazaridis and Rossmann to implement an efficient, automated, user controlled push type system of information mail to selectively provide information through a routing device to users according to users' predetermined menus and preapproval of each information

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transmission upon being notified through a call that the information transmission is available.

**4. Claims 7-10 and 14-17** are rejected under 35 U.S.C. 103(a) as being unpatentable over Lazaridis and Rossmann as applied to claims 1-6 and 11-13 above, and further in view of Haff (US Patent 6,442,571).

**Re. Claim 7**, Lazaridis and Rossmann disclose a push-type information transmission method and related device in a communication network with certain limitations, as described above.

Lazaridis and Rossmann do not disclose a push-type information transmission method as in any one of claims 1-6, wherein said server device belongs to a first communication network which follows a first communication protocol, said plurality of user terminals belong to a second communication network which follows a second communication protocol different from said first communication protocol; and said transfer device is a gateway for converting between said first and second communication protocols and routing the exchange of said information mail

However, Haff discloses a push-type information transmission method as in any one of claims 1-6, wherein said server device belongs to a first communication network which follows a first communication protocol, said plurality of user terminals belong to a second communication network which follows a second communication protocol different from said first communication protocol; and said transfer device is a gateway for converting between said first and second communication protocols and routing the exchange of said information mail (Huff, Col. 7, line 66 – Col. 8, line 7).

Hence, it would have been obvious to an ordinary practitioner of the art at the time of the invention to make use of the teachings of Lazaridis, Rossmann and Huff to implement an efficient, automated, user controlled push type system of information mail to selectively provide information with the above described protocols through a routing device to users according to users' predetermined menus and preapproval of each information transmission upon being notified through a call that the information transmission is available.

**Re. Claims 8 & 15**, Haff discloses a push-type information transmission method and related device as in claims 7 and 14, wherein said plurality of user terminals are given first network addresses used only on said first communication network and are discriminated on said first communication network by second network addresses which have a one-to-one correspondence with said first network addresses in said second communication network; and said transfer device converts between said second

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network addresses in said first communication network and said first network addresses in said second communication network (Huff, Col. 3, line 66 – Col. 8, line 7).

**Re. Claims 9 & 16**, Haff discloses a push-type information transmission method and related device as in claims 8 and 15, wherein said second communication network is a local network accommodating specific user terminals; and said first communication network is a global network interconnecting information resources such as said server device to which are allotted identification information for identifying an absolute address in the network (Col. 6, lines 3-11).

**Re. Claims 10 & 17**, Haff discloses a push-type information transmission method and related device as in claims 9 and 16, wherein said second communication network is a mobile communication network accommodating a plurality of user terminals which are mobile stations; and said first communication network is the Internet (Col. 21, lines 22-27).

**Re. Claim 14**, Haff discloses a transfer device as in any one of claims 11-13, wherein said server device belongs to a first communication network which follows a first communication protocol, and said plurality of user terminals belong to a second communication network which follows a second communication protocol different from that of said first communication network; and comprising protocol converter for converting between said first and second protocols (Huff, Col. 3, line 66 – Col. 8, line 7).

### ***Conclusion***

**5.** Any inquiry concerning this communication or earlier communications from the Examiner should be directed to Siegfried Chencinski whose telephone number is 703-305-6199. The Examiner can normally be reached Monday through Friday, 9am to 6pm.

If attempts to reach the Examiner by telephone are unsuccessful, the Examiner's supervisor, Hyung S. Sough, can be reached on 703-308-0505.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the Receptionist whose telephone number is (703) 308-1113.

Any response to this action should be mailed to:

***Commissioner of Patents and Trademarks  
Washington D.C. 20231***



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or faxed to:

**(703)305-7687** [Official communications; including  
After Final communications labeled  
"Box AF"]

**(703) 746-8177** [Informal/Draft communications, labeled  
"PROPOSED" or "DRAFT"]

Hand delivered responses should be brought to Crystal Park 5, 2451 Crystal Drive,  
Arlington, VA, 7<sup>th</sup> floor receptionist.

SEC

Dec. 27, 2002



Hyung-Sub So  
Primary Examiner